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ABSTRACT

Ways in which parents of handicapped children can learn their rights under P.L. 94-142, The Education for All Handicapped Children Act, are considered. Specific areas of rights include prior notice (parental consent and content of the notice), record review, independent educational evaluation, parental involvement with Individualized Educational Programs, due process, and parent counseling and training. (CL)

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Parents: Involvement and Rights

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Abstract

Parental involvement in their child's education and the rights of parents pertaining to their child's education are very controversial issues. With the passage of P.L. 94-142, Congress wrote into law the rights of parents to become involved in the education of their children. However, many parents fail to use these rights. Could it be that parents are not well informed, or that they feel a bit intimidated about using these rights? This paper addresses a few strategies that parents need to be aware of in order to use their rights effectively. This paper also presents an outline of the basic rights that parents are entitled to.

Parents: Involvement and Rights

When Public Law 94-142 was being considered in Congress from 1973-1975, Congress intended to provide for parent participation. The concensus of Congress was that "parent participation was seen to be helpful to handicapped children, their parents and the schools. . . . Parent participation was made an enforceable right because Congress believed that parents could make no assumptions concerning the education of their handicapped children." (Turnbull, Turnbull, & Wheat, 1982, p. 2).

The school systems are a very big and important part of a child's life. The child will spend up to six hours a day in the classroom, and this is why Congress felt very strongly that parents be involved in their child's education. In order to maximize the effect of this involvement, parents need to know and understand exactly what rights they do have, and how to go about implementing those rights.

Markel and Greenbaum (1981) have outlined certain strategies that parents of disabled children must be made aware of. The following is a partial list of recommended actions that parents should take concerning these strategies:

1. Find out about available services or facilities before making decisions.

2. Ask for and receive explanations from professionals.

3. Refuse requests or pressures without feeling guilty, selfish, or ignorant.

4. Express opinions and be heard with the same respect and considerations afforded others. (p. 10)

Marion (1979) has outlined similar concerns that parents should become aware of:

1. Know the law.

2. Work with other parents.

3. Work with professionals.

4. Use your right to speak.

5. Stop pleading; education is a right.

6. Learn to take part in planning conferences.

7. Not compromise and insist on full evaluation and clear goals.

8. Be an active citizen. (p. 19)

Along with these concerns, there are specific rights guaranteed to parents by law. The following is a list of these rights as outlined in the New Mexico State Plan FY 1984-1986, Part B-Education of the Handicapped Act and from information taken from Turnbull & Turnbull (1982), dealing with free appropriate education and the law.

Prior Notice

Written notice must be given to the parents of a handicapped child within a reasonable time before the

public agency proposes to initiate or change, the identification, evaluation, or the educational placement of the child or the provision of a free appropriate public education. Concerning evaluations, parents are also entitled to an explanation of what procedures the public agency intends to use in assessing their child.

Parental consent. Parental consent must be obtained: (a) prior to preplacement evaluation, (b) prior to placement of the child in a special education program, (c) before a three year evaluation.

Content. The notice must be written in the native language of the parent or any other mode of communication that the parent uses. An example of this would be signing to a deaf parent. There needs to be written evidence that the parent understands the notice. In some school districts this means signing a form to the fact that you as a parent understand what you have read or been told concerning the actions of the public agency.

Reviewing Records

The second right that parents have is to review all records pertaining to their child's education. P.L. 94-142 specifies that parents have the right to inspect, review, and possibly amend all educational records that pertain to their handicapped child. Once the parents

have requested the files, the public agency must respond within 45 days from the initial request.

The public agency must also supply the parents with copies of the files when failure to do so would prevent the parents from reviewing the files. However, the public agency may charge for the copies, unless in doing so it would prevent the parents from utilizing their rights.

The parents may request that the files be ammended if they feel that the information in the files is inaccurate, misleading or possibly violates the childs right to privacy. However, the public agency may refuse and must inform the parents of the refusal and advise them of their due process rights.

Independent Educational Evaluation

The third right is that parents are entitled to an independent educational evaluation of their child. Parents have the right to an independent educational evaluation of their child at public expense. This is usually requested when the parents are in disagreement with the evaluation obtained by the public agency. The agency, at the request of the parents, will provide information on where they may obtain an evaluation. However, if the agency feels that an independent evaluation is not appropriate, the agency may initiate an impartial hearing (due process). If it is found that an independent

evaluation is not appropriate, the parents still have the right to obtain that evaluation, but not at public expense. If the parents obtain an independent evaluation, the results must be considered by the public agency in any decisions made regarding their child's education.

Parental Involvement with the IEP

The fourth right afforded to parents is their involvement in the development of their child's individualized educational program (IEP). An IEP is a written statement of instruction designed to meet the special needs of a handicapped child.

It has been stated by Larsen and Poplin (1980) that:

> The primary purpose of the IEP meeting is to devise a written statement for a handicapped child that results in delineating the special education, related services, and educational placements necessary to ensure that the disabled youngster will receive appropriate educational opportunities. (p. 372)

In another article, Turnbull & Turnbull (1982) stated:

> Since parent participation in the child's education and particularly in planning the IEP is a high priority under P.L. 94-142,

> public agencies are to take specified steps to insure that one or both of the childs parents have a chance to attend the IEP conference. (p. 114)

Furthermore, Larsen and Poplin (1980) have pointed out that, "the parents of handicapped children represent an important and vital source of information within the context of the IEP meeting." (p. 382)

It must be mentioned here that the New Mexico State plan that was recently adopted contains no statements pertaining to IEP committees or meetings.

Due Process

Due process is the next right that parents are entitled to. This is a mechanism designed to assist in settling disagreements concerning a childs education. Parents and public agencies have a right to due process if they are in disagreement about identification, evaluation, or educational placement of a particular child. Parents also have due process rights in reference to (a) the privacy of their child's records, and (b) the fact that they may have received inadequate notice regarding initial or change in placement.

When a hearing has been called for, it will be held and a final decision reached 45 days after the request.

If both parties agree, an extension for the hearing date can be granted.

Both the public agency and the parents have the right to be accompanied by individuals with knowledge or training with respect to the needs of the handicapped child. Any evidence presented by either party must have been made public 5 days prior to the hearing.

A written record of the proceedings must be taken and made available upon request. A written statement of the decision will be mailed to both parties. Each party has the right to appeal.

Parent Counseling and Training

The educational agency must provide parent counseling and training, as a related service, if it is determined that this is necessary to meet the special needs of the child. However, the parents must agree to participate since this service is not mandatory. "Parent counseling and training means assisting parents in understanding the special needs of their child and providing the parents with information about child development." (New Mexico State Plan FY 1984-1986, Sec. 121a 13(6))

Conclusion

In researching this issue, it became very apparent that how each individual source (e.g., state, school district, etc.) interprets the law determines your rights

and services. Parents should be made aware of their rights according to the public agency that is serving their child. If parents were more aware and involved in the education of their child, then it is likely that the quality or intent of the services recieved would improve. There should be some mechanism, more than just a form letter, to inform parents of their rights. With informed parents, the chances of them becoming successfully involved with their child's education increases. Parent participation is more likely if they can be assured that they are respected members of the educational team. The effective implementation of parent participation requires new skills and sensitivity on the part of public agencies and parents alike.

References

Department of Health, Education, and Welfare, Office of Education. Education of Handicapped Children, Implementation of Part B of the Education of the Handicapped Act. Federal Register, 42 (163), 42474-42518. (Tuesday, August 23, 1977, Part II).

Larsen, S. C. & Polin, M. S. (1980). Methods for Educating the Handicapped: An Individualized Education Program Approach. Boston: Allyn and Bacon, Inc.

Marion, Robert L. (1979). Parent involvement. Teacher Education and Special Education, 2 (3), 43-47.

Markel, G. & Greenbaum, J. (1981). Assertiveness training for parents of disabled children. The Exceptional Parent, 11 (4), 17-22.

New Mexico State Plan FY 1984-1986, Part B-Education of the Handicapped Act, as Ammended by Public Law 94-142 and 98-199. (Available from [State Department of Education, Special Education Unit, Education Building, Santa Fe, New Mexico, 87501-2786])

Payne, J. S. & Patton, J. R. (1981). Mental Retardation. Columbus, OH: Charles E. Merrill Publishing Co.

Roit, M. L. & Phol, W. (1984). The readability of P.L. 94-142 parent materials: Are parents truly informed? Exceptional Children, 50 (6), 496-505.

Turnbull, H. Rutherford III, & Turnbull, Ann P., Wheat, Mary J. (1982). Assumptions about parental participation: A legislative history. Exceptional Education Quarterly, 3 (2), 1-8.

Winston, P. & Trunbull, A. (1982). Dissemination of research to parents. The Exceptional Parent, 7 (5), 12-22.